Docket No.: 4049/019

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Peter Leonard Hutchison
Serial Number	:	10/821,902
Filing Date	:	April 9, 2004
Title	:	FLUE CLEANER
Examiner	:	Cephia D. Toomer
Group Art Unit	:	1797

DECLARATION BY PETER LEONARD HUTCHISON UNDER 37 C.F.R. §1.132

I, Peter Leonard Hutchison, declare the following:

1. I am the sole inventor of the invention disclosed and claimed in the above-identified patent application. I am an Australian citizen, and my residence is 19 Frances Road, Gelorup, WA 6230, Australia.

2. I am a qualified Industrial Chemist with a Bachelor of Science degree in Chemistry that I obtained from the West Australian Institute of Technology (now known

as Curtin University of Technology) in 1970. I have spent most of my 30-year working life as the Station Chemist at two coal-fired electrical generating stations located in the Australian state of Western Australia, and as such I was responsible for the overall chemical operation of both power stations. I also developed a very successful private environmental consultancy business called SouthWest Chemical Services, which I sold in 2004.

3. In the above-identified patent application, I understand that the U.S. Patent Examiner is taking the position that the independent claims lack novelty in view of the disclosure of U.S. Patent No. 6,129,774 to Owens ("Owens"), since the Examiner believes that Owens discloses all of the elements of those claims, and that if the catalytic converter device of Owens were to be situated in a wood burning stove or fireplace, it would operate in the same manner as the claimed invention, *i.e.*, that it would generate soot-removing vapors that would clean the flue of that stove or fireplace. I have read the Owens patent, and I can state categorically that the Examiner is incorrect in this regard, for the reasons set forth below.

4. In the Owens catalytic converter device, the container is specified as being made of aluminum. This is not just a suggestion by Owens - it is actually a requirement,

since aluminum is one of the metals with which, according to Owens, the fuel *must* come into contact. However, it is this very use of aluminum that would prevent the Owens catalytic converter device, if it were to be situated in a stove or fireplace (as postulated by the Examiner), from operating in the same manner as the claimed invention. In fact, the Owens device is totally unsuitable for use in this environment, and would be unworkable, since aluminum can not resist the heat generated in such a stove or fireplace.

5. The average upper temperature within a standard wood stove or heater is around 1,582 degrees F. (the flame temperature can actually reach even higher, up to 2,730 degrees F.), while aluminum melts at a much lower temperature, *i.e.*, at about 1,220 degrees F. This means that if the Owens device were to be thrown into a stove or fireplace, the aluminum container would quickly melt, causing its two open ends to collapse and seal. At the same time, most of the ingredients that, according to Owens, must be placed within the container would melt and then begin to vaporize, thus causing internal pressure to build up within the melted mass, resulting in an explosive and dangerous situation, especially since aluminum, as well as many of the ingredients that are found within the Owens container (*e.g.*, lead, antimony and nickel), are highly toxic to humans, while some of the other ingredients (*e.g.*, copper and zinc) become toxic

when humans are exposed to them in excess.

6. The containment vessel of my invention must be sufficiently resistant to the heat generated by a wood burning stove or fireplace so as to continue to provide containment while at the same time allowing a controlled release of soot-removing vapors that would then clean the flue of that stove or fireplace; in other words, the containment vessel must be formed of a material that has a melting point that is above the average upper temperature found within a standard wood stove or heater. Placing the Owens catalytic converter device, with its cocktail of toxic ingredients, in such a stove or fireplace would not provide a controlled release of soot-removing vapors, as does the claimed invention; rather, it would result in a dangerous (and possibly explosive) release of harmful contaminants. Thus, the Owens device, if situated in a wood burning stove or fireplace, would be unworkable - it would not operate in the same manner as my invention, as that invention is presently claimed.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made herein on information and belief are believed to be true; and I further declare that these statements were made with the knowledge that willful

false statements and the like so made are punishable as perjury, and that any such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Peter Leonard Hutchison

Dated: Gelorup, WA, Australia
15 June , 2010